

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

SIDNEY JAMES CLAYTON (AIS# 224797)

Plaintiff,

V.

J.C. GILES

Defendants.

2:06-CV-367-ID

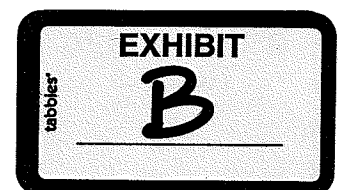
AFFIDAVIT OF NETTIE BURKS, R.N., H.S.A.

BEFORE ME, Reba Currie, a notary public in and for said County

and State, personally appeared **NETTIE BURKS, R.N., H.S.A.**, and being duly sworn, deposed and says on oath that the averments contained in the foregoing are true to the best of her ability, information, knowledge and belief, as follows:

"My name is Nettie Burks. I am over the age of twenty-one and am personally familiar with all of the facts set forth in this Affidavit. I hold an Associates Degree in nursing from Wallace College. I have been a licensed, registered nurse in Alabama since 1997. I have served as the Health Services Administrator (H.S.A.) at Ventress Correctional Facility ("Ventress") in Clayton, Alabama, since November 3, 2003. From November 3, 2003, through the present, my employment as H.S.A. has been with Prison Health Services, Inc. ("PHS"), the company which currently contracts with the Alabama Department of Corrections to provide medical services to inmates.

Prison Health Services, Inc. (PHS) has established a simple three-step procedure for identifying and addressing inmate grievances at Ventress Correctional Facility. If an inmate has a



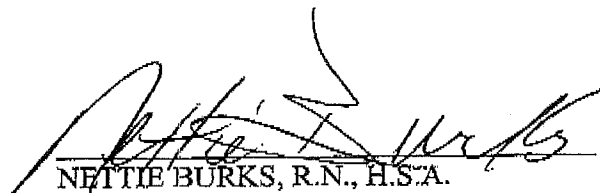
grievance regarding a healthcare issue he must submit to the healthcare unit an "Inmate Request Slip." These are standard forms that may be requested from an inmate's supervising officer in his dormitory. The inmate request slip allows an inmate to communicate any healthcare related concern by placing the request slip in the sick call box or mailbox to be forwarded to the healthcare unit. I subsequently review the request and respond to the inmate verbally.

If an inmate is unsatisfied with my response, he may request an "Inmate Grievance" form from the healthcare unit. This form allows an inmate to again voice his concerns relating to the healthcare issue addressed with the inmate request slip. I again respond to the inmate verbally.

If the inmate is still unsatisfied with my response, he or she may request from the healthcare unit an "Inmate Grievance Appeal" form. This form is again submitted to me and represents the final step of the appeal process. After an inmate submits an inmate grievance appeal, I will again meet with the inmate in a final attempt to address his concerns.

It is my understanding that Sidney Clayton has filed suit in this matter alleging that PHS, Dr. Rayapati and I have failed to provide him with appropriate medical treatment by failing to transfer him to a correctional facility where he would not be exposed to secondhand smoke. He also claims that we have failed to properly maintain Ventress's sprinkler system. However, Mr. Clayton has failed to exhaust Ventress's informal grievance procedure relating to these claims. As such, the healthcare unit at Ventress has not been afforded an opportunity to resolve Mr. Clayton's concerns prior to filing suit."

Further affiant sayeth not.



NETTIE BURKS, R.N., H.S.A.

STATE OF ALABAMA)
COUNTY OF Barbour)

Sworn to and subscribed before me on this the 24th day of Dec., 2006.

Reba J Currie
Notary Public

My Commission Expires:

9-8-08